

MINUTES
Special Meeting
KITTY HAWK TOWN COUNCIL
Friday, January 12, 2018
Kitty Hawk Town Hall, 10:00 AM

(This meeting was rescheduled from January 8, 2018 because of icy, poor road conditions.)

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations
 - Dare County CURRENTTV/Bobby Dobbs, Channel Manager and Dorothy Hester, Public Information Officer
 - The Can Stand Trial for Kitty Hawk
5. Public Comment
6. Consent Agenda
 - a.) Approval of December 4, 2017 Council Minutes
 - b.) Financial Statements as of December 31, 2017
 - c.) Amendment to the Beach Nourishment Capital Project Ordinance (Ord. No. 18-01)
 - d.) FY 2017-18 Budget Amendment #7
 - e.) A Resolution Opposing the N.C. Rate Bureau's Proposed Rate Increases to Homeowners, Renters, Condominium and Wind Only Insurance
 - f.) Resolution Authorizing Recreational Trails Program Grant Contract
 - g.) Adopt a Formal Purchasing Policy
7. Items Removed from Consent Agenda
8. Planning
 - a.) Schedule a Public Hearing for Rezoning 5117 & 5113 Putter Lane. Low Density Beach Residential (BR-1) to Emergency and Government Services (MS-1).
9. New Business
 - a.) Update on Dare County Flood Maps
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Public Comment
14. Adjourn

COUNCILMEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman Ervin Bateman, Councilwoman Lynne McClean and Councilman Jeff Pruitt

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STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Management Assistant Melody Clopton, Town Planner Rob Testerman, Police Chief Joel Johnson, Fire Chief Mike Talley and Public Works Supervisor Jamie Ewers

1. CALL TO ORDER

Mayor Perry called this meeting to order at 10 a.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence, the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

MPT Garriss made a motion to approve the agenda. It was seconded by Councilwoman McClean and unanimously approved, 5-0.

4. PRESENTATIONS

- **Dare County CURRENTtv/Bobby Dobbs, Channel Manager and Dorothy Hester, Public Information Officer**

This presentation was to inform that Gov-Ed Television is now CURRENTtv and how anyone in the world, with an internet connection, may watch high quality local programming. Mr. Dobbs also showed the updated website (www.currenttv.org) and how to navigate to the informational videos and live streaming of the channels. The government channel is still shown on Charter Spectrum channel 191 and the education channel is 198.

- **The Can Stand Trial for Kitty Hawk**

Mr. Council showed two testimonial videos of satisfied Kitty Hawk property owners who have been using the trash can stand. Answering Councilman Bateman's question of cost per unit it will run between \$150 to \$210. He thanked council and said he will follow up with the manager.

5. PUBLIC COMMENT

There were no public comments.

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6. CONSENT AGENDA

a.) **Approval of December 4, 2017 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*

b.) **Financial Statements as of December 31, 2017.** These statements include revenues, expenditures and Beach Nourishment Capital Project Fund Revenues and Expenditures. *(An approval of the consent agenda will acknowledge these statements.)*

c.) **Amendment to the Beach Nourishment Capital Project Ordinance (Ord. No. 18-01).** This amendment includes an increase of \$6,868.50 for the dune realignment during the beach nourishment project. *(An approval of the consent agenda will approve this ordinance.)*

d.) **FY 2017-18 Budget Amendment #7.** This amendment represents the revised final budget amendment and transfer from Reserve to the General Fund to pay off the Fire Station loan. *(An approval of the consent agenda will approve this amendment.)*

e.) **A Resolution Opposing the N.C. Rate Bureau's Proposed Rate Increases to Homeowners, Renters, Condominium and Wind Only Insurance.** *(An approval of the consent agenda will approve this resolution.)*

f.) **Resolution Authorizing Recreational Trails Program Grant Contract.** The Town has been awarded a grant in the amount of \$59,518.16 to repair damaged portions of the David Paul Pruitt Jr. and Twiford Road Multi-Use Paths. *(An approval of the consent agenda will accept this grant.)*

g.) **Adopt a Formal Purchasing Policy.** Staff follows all purchasing and bidding requirements as set forth in the N.C. General Statutes. This policy will provide a uniform process for staff when making purchases and informal bidding of supplies, equipment, materials and construction related projects not covered in the General Statutes. *(An approval of the consent agenda will accept this policy.)*

Councilman Bateman made a motion, seconded by Councilwoman McClean, to approved the consent agenda. The vote was 5-0.

7. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed.

8. PLANNING

a.) **Schedule a Public Hearing for Rezoning 5117 & 5113 Putter Lane. Low Density Beach Residential (BR-1) to Emergency and Government Services (MS-1).**

MPT Garriss made a motion to set a public hearing regarding the proposed zoning map amendments at 5113 and 5117 Putter Lane for the town Council meeting on February 5, 2018. Councilwoman McClean seconded and the motion passed unanimously, 5-0.

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9. NEW BUSINESS

a.) Update on Dare County Flood Maps

Planning Director Testerman reviewed the following memorandum with council.

The 90-day appeal period for the preliminary flood insurance rate maps (FIRMs) began August 16, 2017 and ran through November 14, 2017. Rather than file an official appeal, Kitty Hawk submitted a letter of comments and concerns to the State. The other towns and Dare County also submitted similar comments.

Over the past several months, Kitty Hawk planning staff has been working in conjunction with the planners of the other towns and Dare County to determine the best path forward as there are many concerns regarding the number of properties being removed from flood zones, and base flood elevations being lowered. As part of this, we have worked on a CRS campaign focusing on the importance of flood insurance and the new flood maps. This will be a community-wide effort, trying to get across the same message for a greater impact. The outreach campaign is to have the catch phrase "Low Risk is not No Risk". The main message being that even if your property is being removed from a flood zone, that does not mean you are without risk of flooding.

Another part of the work being done has been discussing a "local elevation standard" (LES) for consideration by the various Town Council's and Board's when the time comes to adopt a new flood damage prevention ordinance. We have also worked with the Outer Banks Homebuilders Association on these standards. The concept is that we will rely on the new maps for insurance rating purposes, but in conjunction with the new maps, we will also institute the local elevation standard as a greater level of protection, address other flood risks not depicted on the FIRMs (rainfall), and to attempt to address changes in flood maps.

The initial concept of the LES is as follows:

AE, AO, Shaded X and X zones- 3 feet of freeboard or a minimum elevation of 8 feet above MSL, whichever is greater. Many areas in Kitty Hawk that are currently an AE with a base flood elevation of 8.3' are having their base flood reduced to an elevation of 4', other areas on the east side of town that are currently AE(10') or VE(14') are being changed to AO zones, that could build 2 feet above grade. The local elevation standard would ensure that the first floor of any structure in one of these zones is at an elevation of 8 feet above mean sea level, at a minimum.

VE zones will be handled as mapped. VE zones in Kitty Hawk have a base flood elevation ranging from 11' to 13'.

It should be noted that we are still in the preliminary stages of developing the LES. Specifics are still being discussed regarding the Shaded X and X zones (elevation numbers, use of flood vents, additions, etc.).

To support the use of the LES and the specific elevation, the planners have looked at a number of things for guidance. Historical comparisons of previous flood maps, empirical knowledge of flood events, high water marks from USGS flood event viewer for Hurricane Matthew and Irene, input from local surveying and engineering community, and elevation maps prepared by the Dare County GIS department were all relied on in developing the LES.

Moving forward, we will continue to develop the LES for consideration. We anticipate the start of the six-month adoption period to begin this year. Our goal is to be ready with a model ordinance in early to mid-2018.

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Following the review Testerman added Currituck County finished their appeal period a good while before this appeal period ended and they still have not received their letter of final determination.

Perry: *The community rating system is being capped at 7?*

Testerman: *Yes, and I am not sure when that will take effect. There is a letter that came out recently saying Kitty Hawk is going to be capped at a CRS 7 which will be one grade down from where we currently are. That is based on the way the CRS looks at the building code adopted by towns and counties. The North Carolina Building Code is a few years behind the International Building Code and because of that we get penalized on CRS for it. Unfortunately, there is nothing we can do about it.*

Perry: *If we do all these things, we are doing them because we know from common sense it needs to be done and it will not help us as far as people's insurance rates go. Is that true?*

Testerman: *Not necessarily. With base flood elevation right now, we have a 1' free board requirement so if you are at an AE 9 your first floor has to be at an elevation of 10'. Every foot above base flood you build your insurance premium goes down. The properties that are in an AE 4, if we require that first floor at an elevation of 8' they just essentially got 4' of free board so their insurance premium is going to be much lower than if they were to build at an elevation of 5' above sea level.*

Perry: *And that has nothing to do with the CRS?*

Testerman: *No. And implementing the higher standards will not bump us to a CRS 6 but it should help us get extra points to maintain a 7 level.*

Perry: *Right. And council can say we want to add a 4' or 5' of free board to our ordinance?*

Varnell: *Absolutely. We are limited in certain regulations such as we cannot require flood insurance, but we can institute things within the zoning code that benefits and protects the citizens. This would be one of those items.*

Bateman: *I had a conversation with a neighbor who said he is going from 10' to 8'.*

Testerman: *It depends on where in the Town you are. Back in the village, everywhere right now is an AE 8.3' with a 1' free board, which is 9.3'. Most of the village, Kitty Hawk Landing and Poor Ridge Road, all of that is going to an AE 4. If we were to maintain the 1' free board, they would be able to build at an elevation of 5' above sea level. Using the Landing as an example, when Hurricane Irene came through the houses that were built to the 9.3', from what I've been told, there was water less than a foot from going into the first floor. They were right on the money there and now they are telling people it is not going to flood beyond 4' and we have seen it 5' high.*

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Perry: *If we add extra free board, even though it is not necessary, we are doing something good for policy holders. We will still make progress towards helping keep the insurance as low as we can.*

Testerman: *I have seen some graphs and diagrams that show just how much it affects a premium for each foot you add. I can get that information to you.*

Perry: *Do they still use the 8.3'?*

Testerman: *For the new maps they are doing away with the 8.3'. In the village where it is an AE 8.3' it is based off what they call the still waters table instead of drawing it from the flood insurance maps. Currently we are still using the 8.3' with a 1' free board to 9.3' but on the new maps it will all be whole numbers.*

Perry: *Thank you. A good update.*

Bateman: *Currently if someone is at 8.3' with the free board they are required to carry flood insurance. If we drop it down to 4' with a 1' free board and someone is no longer required to carry flood insurance, or they cancel it because they can save two, four or five thousand dollars a year, and then we have a large hurricane and it floods everywhere, who is going to pick up the tab? Who is going to help them out? They are going to go to the federal government for a freebie.*

Testerman: *That is part of the education outreach on this. The properties that are being reduced to 4' and 5' are still going to be required to carry flood insurance by the NFIP. The properties being moved from a flood zone into an X zone, the NFIP will no longer require flood insurance. The mortgage lenders might though. That is up to them. One thing a lot of people do not know, and we are trying to get out, is if you are in one of those X zones you can get a preferred risk policy with premiums less than a thousand dollars a year. Something else we are trying to educate people on is the properties that are moving into an X zone, if they drop their policy completely, and in the future, they get mapped back into a flood zone, they cannot get a grandfathered rate anymore. They are going to have to pay a lot higher premium than if they had held onto it. This is all part of what we are trying to accomplish with our outreach program.*

Perry: *I think there has been an incorrect statement made and that is if you live in a flood zone you must have flood insurance. That is only true if you have a mortgage.*

Bateman: *It gives people a false sense of security. To tell someone they no longer need flood insurance. The government said they do not need it, so they drop it and then all of a sudden, they get a Hurricane Irene.*

Varnell: *Realtors may be pushing that, but lenders have a very grave interest in keeping things insured. I think we will see the lenders come into play when it comes to this flood insurance issue and still require it.*

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10. TOWN MANAGER

NC Coastal Federation Shoreline Cleanup: The federation and the town have partnered to hold a shoreline cleanup this Saturday (January 13th) from 9 a.m. to 12 p.m. Everyone will meet at Sandy Run Park and gloves will be supplied.

Canals/Ditches Vegetative Debris Removal: This project has begun in the canals and ditches and crews are using boats as well as wading through the ditches.

Thanks to Police and Fire Department: Thank you to police and fire personnel for their efforts during the snow last weekend. They did a great job of everybody safe.

11. TOWN ATTORNEY

Resolution Opposing the N.C. Rate Bureau's Proposed Rate Increases to Homeowners, Renters, Condominium and Wind Only Insurance: If the proposal goes through it could amount to a 25% increase in homeowner's insurance premiums. The council's adoption of the resolution should help. Insurance Commissioner Mike Causey has already denied the proposal but there will be a hearing on the subject later.

12. TOWN COUNCIL

Councilman Garriss echoed the manager in thanking the staff who worked during the storm.

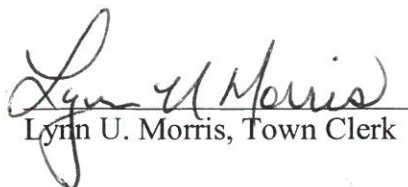
13. PUBLIC COMMENT

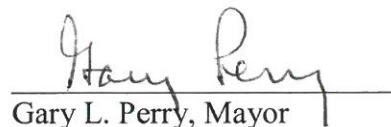
There were no public comments.

14. ADJOURN

Councilman Bateman made a motion, seconded by Councilwoman McClean, to adjourn this meeting. Time was 10:48 a.m.

These minutes were approved at the February 5, 2018 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor